

CHAPTER C CHARTER

[Adopted 5-20-1975 by ballot question. Amendments noted where applicable.]

GENERAL REFERENCES

Administration of government — See Ch. [4](#).

ARTICLE I Name and Powers (SECTION 101 — SECTION 104)**SECTION 101 Name.**

Middletown Township shall continue to be known as Middletown Township under this Home Rule Charter. The structure of government and the general authority of municipal officials shall be as set forth herein.

SECTION 102 General powers.

The Township shall have and may exercise any powers and perform any functions not specifically denied by or inconsistent with the Constitution of Pennsylvania, the Laws of the Commonwealth of Pennsylvania, or this Charter.

SECTION 103 Continuation.

All powers and functions contained in any or all ordinances and resolutions which are in force on the effective date of this Charter, and not inconsistent herewith, shall continue in force until amended or repealed.

SECTION 104 Interpretation.

The powers of the Township shall be liberally construed in favor of the Township in order to provide the Township with the greatest possible power of self-government.

ARTICLE II Township Council (SECTION 201 — SECTION 213)**SECTION 201 General towers and duties.**

All powers of the Township of Middletown shall be vested in the Township Council of Council Members (hereafter called "the Council"), except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Township by law.

SECTION 202 Composition.

There shall be a Township Council consisting of seven members. Three shall be nominated and elected by the qualified electors of the Township at large, and four shall be nominated and elected by the qualified electors of the four voting districts as hereinafter provided.

SECTION 203 Eligibility.**A.**

Only qualified electors of the Township of Middletown shall be eligible to be nominated and to hold the office of Council Member.

B.

For the position of Council Member to be elected from a district, as set forth in this Charter, only qualified electors residing in that election district shall be eligible to be nominated and to hold the office of Council Member from that district.

SECTION 204 Election and term.

The regular terms of Council Members shall be four years beginning at 8:00 p.m. on the first Monday of January,

or the next day following which is a non-holiday, following the year in which they are elected, except for the first Council to serve under this Charter, the members of which will serve for staggered terms as provided hereinafter.

SECTION 205 Districts.

The Township shall consist of four districts which shall contain as nearly as possible equal numbers of residents as determined by the latest official census of the U.S. Bureau of Census. No district shall vary by more than 15% from the average of all of the districts at the time of reapportionment. A district shall be contiguous and shall follow natural geographic boundaries to the extent possible consistent with the principle of equal population.

SECTION 206 Establishment of districts.

[Amended 8-12-2002 by Ord. No. 630]

The establishment of the first districts, to be known as the First, Second, Third, and Fourth Districts, shall be by this Charter. The boundaries of said districts shall be as follows:

VOTING DISTRICT NO. 1: BEGINNING at a point of intersection of the center line of Dutton Mill Road with the center line of Chester Creek; thence northeasterly along the southeastern border of Middletown Township to the center line of Ridley Creek; thence, northwesterly along the southeastern border of the Township to the point of intersection of the center line of Ridley Creek with the center line Bortondale Road; thence, southwesterly along the center line of Bortondale Road to its intersection with the center line of South Old Middletown Road; thence, south along the center line of South Old Middletown Road to its intersection with the common boundary line of the Commonwealth of Pennsylvania and property located at 454 South Old Middletown Road; thence, southwesterly along that common boundary line extended to a point in the center line of South New Middletown Road; thence, south along the center line of South New Middletown Road to its point of intersection with the common property line of property of Indian Orchard Park and property located at 5 Copes Lane; thence, following the southern property line of Indian Orchard Park to its intersection with the rear property lines of lots on Cricket Lane thence southeasterly along the rear common boundary line of property at 490 and 500 Cricket Lane and property at 27 and 35 Copes Lane to the point of intersection of the common boundary line of properties on Cricket Lane and the Hidden Hollow Swim Club; thence, southwesterly along this common boundary line to a point representing the rear common boundary corner of a lot at 495 Cricket Lane and a lot at 441 Mount Alverno Road; thence, extending in a northwesterly direction along the common boundary line of the lot at 441 Mount Alverno Road and various properties located on Cricket Lane between 180 and 190 Hidden Hills Lane to the center line of Hidden Hills Lane; thence, westerly along the center line of Hidden Hills Lane to the center line of its intersection with Mount Alverno Road; thence, northwesterly along the center line of Mount Alverno Road until its intersection with the common property line of Alverno Valley Farms and properties located on Willowgate Lane; thence, generally southerly and westerly following the common boundary line of Alverno Valley Farms and properties on Willowgate Lane and Olde House Lane to the point of intersection of the common boundary line of grounds of Alverno Valley Farms with property at 350 Howarth Road; thence, northwesterly along the common boundary line of lots at 350 Howarth Road and 424 Olde House Lane to the point of intersection with the common boundary line of lots at 350 Howarth Road and 311 Howarth Road; thence, southwesterly along the northern property line of the lot at 350 Howarth Road to a point of intersection representing the common property corner at the rear of lots at 336 Howarth Road and 350 Howarth Road; thence, westerly from this point along a line 1,200 feet more or less to a point in the center of Chester Creek which constitutes the Township line adjoining Aston Township; thence, southeasterly along the center line of the Chester Creek which constitutes the Township line between Middletown Township and Aston Township to the first mentioned point and place of beginning.

VOTING DISTRICT NO. 2: BEGINNING at a point of intersection of the center line of Bortondale Road with the center line of Ridley Creek; thence, northwesterly along said creek forming the boundary line between Middletown Township and Upper Providence Township to the center line of U.S. Route 1; thence, southwesterly along the center line of U.S. Route 1 to a point of intersection with an extension of the common boundary line dividing properties located on South Heilbron Drive and property now or late of the Elwyn Institute located to the north of the Media By-Pass; thence, southwesterly along this common property line to a point of intersection of the common property lines of 592 South Heilbron Drive and 24 Penn Charter Drive; thence, northwesterly along the common property lines of 592 and 585 South Heilbron Drive and properties at 24 and 26 Penn Charter Drive and 113 Blackhorse Lane to the point of intersection of the rear of lots at 585 South Heilbron Drive and 113

Blackhorse Lane with property at 740 West Rose Tree Road; thence, southwesterly along the common property line of 740 West Rose Tree Road and properties on Blackhorse Drive extended to its intersection with the center line of North Middletown Road; thence, southeasterly along the center line of North Middletown Road to its intersection with the center line of Baltimore Pike; thence, westerly along the center line of Baltimore Pike to its intersection with the common property line of Riddle Glen Condominiums and Riddle Memorial Hospital; thence, southeasterly along the common property line of Riddle Memorial Hospital with the Riddle Glen Condominiums and properties on South Middletown Road to the common boundary line at the rear of Riddle Memorial Hospital with Williamson Trade School; thence, southwesterly along the common boundary line of Williamson Trade School with Riddle Memorial Hospital and Granite Run Townhouses extending to the intersection with the center line of the Chrome Run; thence, southeasterly along the Chrome Run to the center line of the right-of-way of the SEPTA Rail Lines; thence, along the center line of the SEPTA right-of-way in a southwesterly direction to a point of intersection in the center line of South Pennell Road; thence, southeasterly along the center line of South Pennell Road to the center line of Chester Creek; thence, in a southerly direction along the center line of the Chester Creek 1,600 feet more or less to a point in the Chester Creek due west of a point of intersection representing the common property corner at the rear of lots at 336 Howarth Road and 350 Howarth Road; thence, easterly along this line 1,200 feet more or less to the common property corner at the rear of lots at 336 Howarth Road and 350 Howarth Road; thence, northeasterly along the northern property line of the lot at 350 and 340 Howarth Road to its point of intersection with the rear boundary of a lot at 424 Olde House Lane; thence, southeasterly along the common boundary line of lots at 350 Howarth Road and 424 and 425 Olde House Lane to the point of intersection with the boundary of property of Alverno Valley Farms; thence, generally in a northerly and easterly direction along the common boundary line of Alverno Valley Farms with properties on Olde House Lane and Willowgate Lane to the center line of Mount Alverno Road; thence, southeasterly along the center line of Mount Alverno Road to the center line of its intersection with Hidden Hills Lane; thence, easterly along the center line of Hidden Hills Lane to the common boundary line between property at 190 and 180 Hidden Hills Lane; thence, southeasterly along this common boundary line extending to a point representing the common rear lot corner of 441 Mount Alverno Road and 495 Cricket Lane; thence, northeasterly along the common boundary line of properties on Cricket Lane and the Hidden Hollow Swim Club to the point of intersection of property at 27 and 35 Copes Lane and property at 500 Cricket Lane; thence, northwest along the property at 500 and 490 Cricket Lane to the point of intersection of the southeastern property line of Indian Orchard Park; thence, following the southeastern property line of Indian Orchard Park north and east to its intersection with the common property line of Indian Orchard Park and South New Middletown Road; thence, north from a point in the center line of South New Middletown Road to the common boundary line of Commonwealth of Pennsylvania and 425 South New Middletown Road; thence, northeasterly along the common boundary line of Commonwealth of Pennsylvania and properties at 464 and 452 South Old Middletown Road to the center line of South Old Middletown Road; thence, north along the center line of South Old Middletown Road to its intersection with the center line of Bortondale Road; thence, northeasterly along the center line of Bortondale Road to its intersection with the first mentioned point and place of beginning.

VOTING DISTRICT NO. 3: BEGINNING at a point of intersection of the center line of West Baltimore Pike at its point of intersection with the common property line of Riddle Glen Condominiums and Riddle Memorial Hospital; thence, southeasterly along the common property line of Riddle Memorial Hospital with the Riddle Glen Condominiums and properties on South Middletown Road to the common boundary line at the rear of Riddle Memorial Hospital with Williamson Trade School; thence, southwesterly along the common boundary line of Williamson Trade School with Riddle Memorial Hospital and Granite Run Townhouses extending to the intersection with the center line of the Chrome Run; thence, southeasterly along the Chrome Run to the center line of the right-of-way of the SEPTA Rail Lines; thence, along the center line of the SEPTA right-of-way in a southwesterly direction to a point of intersection in the center line of South Pennell Road; thence, southeasterly along the center line of South Pennell Road to the center line of Chester Creek; thence, in a generally northwesterly direction along the center line of Chester Creek, being the Township line dividing Middletown Township, Aston Township, the Borough of Chester Heights, and Thornbury Township to a point of intersection with the northwestern property line of the Middletown Township Darlington Tract; thence, northeasterly along this common property line with the Darlington Tract and the Darlington Valley PRD to its point of intersection with the rear property line of 275 New Darlington Road; thence northwesterly and northeasterly along the common property line of 275 New Darlington Road and the Darlington Valley PRD to its point of intersection with the common property line dividing properties on Paul Lane from properties on New Darlington Road; thence,

extending northeasterly along this common boundary line to its point of intersection with the southern property line of 351 New Darlington Road; thence, continuing northeasterly along this property line to its intersection with the center line of New Darlington Road; thence, northerly along the center line of New Darlington Road to its intersection with the center line of Valley Road; thence southeasterly along the center line of Valley Road to its intersection with the center line of Darlington Road; thence, northeasterly along the center line of Darlington Road to its intersection with the common property line separating property at 300 Darlington Road and property of Delaware County at Fair Acres; thence, generally south and east following the property line of property of Delaware County at Fair Acres to its point of intersection with the southernmost property line of the Middletown Crossing Townhouses; thence, southeasterly along the common property line separating the Middletown Crossing Townhouses and the rear of property at 1263 West Baltimore Pike to its intersection with the common property line dividing the Middletown Crossing Townhouses and the Pennell Place Townhouses; thence, northeasterly along the common boundary line separating the Middletown Crossing Townhouses and the Pennell Place Townhouses to its point of intersection with the rear property line of 60 North Pennell Road; thence, southerly and easterly following this common property line dividing the Pennell Place Townhouses from property at 60 and 56 North Pennell Road to the center line of North Pennell Road; thence, northerly along the center line of North Pennell Road approximately 150 feet to its point of intersection with the common property line dividing properties at 57, 55, and 59 North Pennell Road from properties at 61 North Middletown Road and the rear of lots on North Middletown Road; thence, easterly along this common property line to its point of intersection with the common property line of property at 218 North Middletown Road and the rear of property at 34 Oriole Avenue; thence, north along the common property line of 218 North Middletown Road and the rear of lots on Oriole Avenue to the intersection with the property line at the rear of 52 Oriole Avenue and 206 North Middletown Road; thence, east along the common property line of 52 Oriole Avenue and 206 North Middletown Road to the center line of Oriole Avenue; thence, north along the center line of Oriole Avenue to its intersection with the northern property line of a lot at 57 Oriole Avenue; thence, southeasterly along this property line to the rear of properties located on Oriole Avenue; thence, southerly along the rear of lots on Oriole Avenue and property 1067 West Baltimore Pike (Granite Run Mall) to the southern property line of a lot at 29 Oriole Avenue; thence, along this southern property line to its intersection with the center line of Oriole Avenue; thence, south along the center line of Oriole Avenue to its intersection with the center line of West Baltimore Pike; thence, easterly along the center line of West Baltimore Pike to the first mentioned point and place of beginning.

VOTING DISTRICT NO. 4: BEGINNING at a point of intersection of the center line of U.S. Route 1 with the center line of the Ridley Creek; thence, in a northwesterly direction along the center line of Ridley Creek, being the Township dividing line dividing Middletown Township and Upper Providence Township to its intersection with the Township line dividing Middletown Township and the Townships of Edgmont and Thornbury; thence, along said Township line in a southwesterly direction to the center line of the Chester Creek; thence, southeasterly along the center line of the Chester Creek being the Township line dividing Middletown Township and Thornbury Township to its intersection with the northwestern property line of the Middletown Township Darlington Tract; thence, northeasterly along this common property line with the Darlington Tract and the Darlington Valley PRD to its point of intersection with the rear property line of 275 New Darlington Road; thence, northwesterly and northeasterly along the common property line of 275 New Darlington Road and the Darlington Valley PRD to its point of intersection with the common property line dividing properties on Paul Lane from properties on New Darlington Road; thence, extending northeasterly along this common boundary line to its point of intersection with the southern property line of 351 New Darlington Road; thence, continuing northeasterly along this property line to its intersection with the center line of New Darlington Road; thence, northerly along the center line of New Darlington Road to its intersection with the center line of Valley Road; thence, southeasterly along the center line of Valley Road to its intersection with the center line of Darlington Road; thence, northeasterly along the center line of Darlington Road to its intersection with the common property line separating property at 300 Darlington Road and property of Delaware County at Fair Acres; thence, generally south and east following the property line of property of Delaware County at Fair Acres to its point of intersection with the southernmost property line of the Middletown Crossing Townhouses; thence, southeasterly along the common property line separating the Middletown Crossing Townhouses and the rear of property at 1263 West Baltimore Pike to its intersection with the common property line dividing the Middletown Crossing Townhouses and the Pennell Place Townhouses; thence, northeasterly along the common boundary line separating the Middletown Crossing Townhouses and the Pennell Place Townhouses to its point of intersection with the rear property line of 60 North Pennell Road; thence, southerly and easterly following this common property line dividing the Pennell Place Townhouses from property at 60 and 56

North Pennell Road to the center line of North Pennell Road; thence, northerly along the center line of North Pennell Road approximately 150 feet to its point of intersection with the common property line dividing properties at 57, 55, and 59 North Pennell Road from properties at 61 North Middletown Road and the rear of lots on North Middletown Road; thence, easterly along this common property line to its point of intersection with the common property line of property at 218 North Middletown Road and the rear of property at 34 Oriole Avenue; thence, north along the common property line of 218 North Middletown Road and the rear of lots on Oriole Avenue to the intersection with the property line at the rear of 52 Oriole Avenue and 206 North Middletown Road; thence, east along the common property line of 52 Oriole Avenue and 206 North Middletown Road to the center line of Oriole Avenue; thence, north along the center line of Oriole Avenue to its intersection with the northern property line of a lot at 57 Oriole Avenue; thence, southeasterly along this property line to the rear of properties located on Oriole Avenue; thence, southerly along the rear of lots on Oriole Avenue and property 1067 West Baltimore Pike (Granite Run Mall) to the southern property line of a lot at 29 Oriole Avenue; thence, along this southern property line to its intersection with the center line of Oriole Avenue; thence, south along the center line of Oriole Avenue to its intersection with the center line of West Baltimore Pike; thence, easterly along the center line of West Baltimore Pike to its intersection with the center line of North Middletown Road; thence, northwesterly along the center line of North Middletown Road to its intersection with the northern property line of 17 North Middletown Road; thence, northeasterly along the common property line of properties at 25 North Middletown Road and 240 West Rose Tree Road and properties on Blackhorse Drive to the point of intersection of the rear of lots at 585 South Heilbron Drive and 113 Blackhorse Lane; thence, southeasterly along the common property lines of 585 and 592 South Heilbron Drive and properties at 113 Blackhorse Lane and 26 and 24 Penn Charter Drive to its intersection with common boundary line between properties located on South Heilbron Drive and property now or late of the Elwyn Institute; thence, northeasterly along this common property line extended to a point in the center line of U.S. Route 1; thence, northeasterly along the center line of U.S. Route 1 to the first mentioned point and place of beginning.

Reapportionment of Council Members to Districts thereafter shall be by ordinance and shall occur only in the following circumstances:

A.

Within the year following the year in which the Decennial U.S. Census Reports are officially certified, the Council shall reapportion the districts in accordance with this Charter.

B.

At such other times as may be necessary after the effective date of this Charter, upon showing that a district varies in population by more than 15% from the average of all the districts, the Council shall reapportion the districts in accordance with this Charter.

<p>If an existing Council Member is removed from his district by any such reapportionment, he shall continue to represent said district until the end of his term.</p>
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SECTION 207 Compensation.

A.

Council Members shall receive compensation at the rate of \$1,000 per annum for the performance of their duties. At a time no less than two years after the effective date of this Charter, and at any subsequent time, the rate and basis of compensation for Council Members may be changed by Ordinance of Council, provided such Ordinance be approved by the Township electors at a referendum.

B.

Council Members shall receive no other compensation, direct or indirect, for the performance of their duties. They shall, however, be entitled to actual reasonable and necessary expenses incurred in the performance of their duties.

SECTION 208 Prohibitions.

A.

Holding other office. No Council Member shall hold any other Township office or Township employment during the term for which he was elected or appointed to the Council. No former Council Member shall hold within two years after leaving office any compensated appointive Township office created during his term as Council Member, nor shall any Council Member benefit from any increase in the compensation for an existing office other than Council Member, which increase was voted during his term as Council Member.

B.

Appointments and removals. The Council may express its views, and fully and freely discuss with the Manager anything pertaining to appointment and removal of administrative personnel and employees of the Township; but neither the Council nor any of its members shall in any manner dictate the appointment or removal of any administrative personnel or employees whom the Manager or any of his subordinates are empowered to appoint.

C.

Administrative offices. All Township personnel who are subject to the direction and supervision of the Manager shall be answerable to the Manager, and neither the Council nor any of its members shall, either publicly or privately, give orders to any such personnel, but to the contrary shall deal with said personnel solely through the Manager or his designate.

SECTION 209 Vacancies: forfeiture of office; filling of vacancies.A.

Vacancies. The office of Council Member shall become vacant upon his death, resignation, legal certification of mental incapacity, removal from office in any manner authorized by law, or forfeiture of this office.

B.

Forfeiture of office. A Council Member shall forfeit his office if he:

(1)

Lacks at any time during his term of office any qualifications for the office prescribed by this Charter or by law.

(2)

Violates any express prohibition of this Charter.

(3)

Is convicted of a felony, or convicted of theft as described by the Pennsylvania Penal Code or is convicted of a crime constituting crimen falsi, or

(4)

Fails to attend four consecutive regular monthly meetings of the Council unless such absences are excused by a vote of 2/3 membership of the Council.

C.

Filling of vacancies. Whenever a vacancy exists in the office of Council Member, the vacancy shall be filled under the following procedures:

(1)

A special election to fill the vacancy for the balance of the unexpired term will be held at the next election, general, municipal, or primary, which takes place 60 days or more after such vacancy occurs. The special election shall be conducted in accordance with the election laws of this Commonwealth. The person elected to fill the vacancy shall assume the office at the first meeting of the Council following certification of the election results.

(2)

The Council shall, at its first regular or special public meeting after the vacancy occurs, give notice that a vacancy exists and shall state that it will make an interim appointment to fill the vacancy at its next public meeting which occurs not less than 30 days from the meeting at which the vacancy is announced. Following such notice, the Council, by a majority of its remaining membership, shall appoint a qualified elector of the Township, and in the

case of a vacancy in the office of a Council Member elected from a district, a qualified elector of the district in which the vacancy exists, to fill the vacancy until a duly elected successor is sworn into office.

(3)

If the Council shall fail to fill the vacancy within 60 days after the vacancy occurs, the Court of Common Pleas of Delaware County, upon petition of any individual Council Member, or upon petition of five or more qualified electors of the Township, shall make an interim appointment to fill the vacancy until a duly elected successor is sworn into office.

(4)

In the event that sufficient vacancies exist so that the Council lacks a quorum necessary to do business, the remaining members of the Council shall immediately make an interim appointment or appointments to fill sufficient vacancies in the position of Council Member to form a quorum. Thereafter, the remaining vacancies shall be filled as otherwise provided herein.

(5)

In the event that all the positions on the Council shall become vacant, the Court of Common Pleas of Delaware County shall immediately, upon petition of the Township Manager or five or more registered voters of the Township, make interim appointments of as many Council Members as is necessary in order to form a quorum to do business. Thereafter, the remaining vacancies shall be filled as otherwise provided herein.

SECTION 210 Organization; procedures.

A.

Organization.

(1)

The Council shall organize at 8:00 p.m. the first Monday of January of each year by electing one of their members as Chairman and one of their members as Vice-Chairman, who shall hold such office at the pleasure of the Council. If the first Monday is a legal holiday, the organization meeting shall be held on the first day following which is not a legal holiday.

(2)

The Chairman, or in the Chairman's absence, the Vice-Chairman, shall preside at Council Meetings, shall provide notice of all Council meetings to its members and the public, and shall carry out such duties as prescribed elsewhere in this Charter, Administrative Code,

Editor's Note: See Ch. 4, Administration of Government.
or other ordinance.

B.

Procedures.

(1)

The Council shall meet regularly at least once every month at such time and place as the Council may prescribe by resolution. Special meetings may be held on the call of the Chairman or a majority of Council Members with at least 12 hours notice to each Council Member.

(2)

All meetings shall be open to the public with notice to the public of such meetings to be posted at the Township Building at least 12 hours in advance.

(3)

(a)

The Council shall establish rules for procedure for the conduct of business at its meetings and shall provide for a public record of its proceedings.

(b).

The Council shall cause to be prepared in advance of each meeting an agenda of matters to be considered by the Council at the meeting and shall include in the agenda all items to receive final action by the Council at that meeting. The agenda shall be available at least eight hours prior to the start of the meeting and shall be distributed to the public at the start of the meeting.

SECTION 211 Form of action by the Council.

Except as provided in Section 209C(4), the Council may take no official action except at an open meeting in the presence of a quorum, consisting of a majority of the total membership. All actions of the Council shall be taken by the adoption of an ordinance, resolution, or motion. All legislation shall be enacted by the adoption of ordinance. All ordinances and resolutions must be in written form. Voting, except on procedural matters, shall be by roll call vote, and the vote of each member of the Council shall be entered in the record of the meeting. A majority vote of all members of the Council shall be required to adopt an ordinance. Resolutions or motions shall be adopted by a majority vote of all the members of the Council present, except as otherwise provided herein.

SECTION 212 Actions requiring ordinances.

In addition to legislation or other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the Council shall be by ordinance which:

A.

Adopt or amend an Administrative Code;

B.

Establish, alter or abolish any Township department, office or agency;

C.

Establish, levy and collect taxes, and increase or decrease the rate of existing taxes;

D.

Authorize the borrowing of money except for revenue anticipation or emergency loans;

E.

Exercise the power of eminent domain;

F.

Provide for a fine or other penalty, or establish a rule or regulation for violation of which a fine or other penalty is imposed;

G.

Grant, renew, or extend a franchise;

H.

Purchase, convey, lease, or authorize the purchase, conveyance, or lease of any real property;

I.

Establish, alter, or amend any zoning ordinance, subdivision procedure, land development, land use, or building regulation;

J.

Amend or repeal any ordinance previously adopted.

SECTION 213 Ordinances in general.A.

Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No

ordinance shall contain more than one subject which shall be clearly expressed in its title. Any ordinance which repeals or amends an existing ordinance shall clearly indicate the matter to be omitted or added.

B.

Procedure. An ordinance may be introduced by any Council Member at any regular or special public meeting of the Council. Except where specifically provided otherwise in this Charter, an ordinance shall be processed in the following manner:

(1)

The proposed ordinance shall be given to the Manager and placed on the agenda of the Council for introduction and initial consideration at the next meeting of the Council.

(2)

If approved initially by the Council, the Manager shall cause said proposed ordinance to be posted in the Township Building in the place set aside for the posting of ordinances, and an abstract of the ordinance shall be published in a newspaper of general circulation, at least seven days before the meeting at which the ordinance will receive further action by the Council. Copies of any ordinance shall be made available to the public at cost.

(3)

The Council may thereafter adopt the proposed ordinance or it may postpone action until a later meeting. The Council may amend a proposed ordinance before final adoption, but any amended ordinance must be again posted as set forth above and no final action may be taken until the amended ordinance has been posted in accordance with this section.

(4)

An ordinance finally adopted by the Council shall become effective upon the 31st day following its enactment, except as otherwise provided by this Charter, unless a referendum petition has been filed during this period. During this period the ordinance shall be posted in full in the Township Building in the place set aside for the posting of ordinances.

C.

Emergency ordinances. Notwithstanding the provisions of the foregoing section, the Council may, in the event of a substantial public emergency affecting the life, health, property and peace of the citizens of the Township, adopt one or more emergency ordinances, but said ordinances shall not levy taxes or authorize the borrowing of money except as provided elsewhere in this Charter. An emergency ordinance shall be introduced in the form required and shall be so designated and shall clearly state the nature of the emergency in specific terms. No prior posting of an emergency ordinance shall be required and the Council may adopt an emergency ordinance at any public meeting in which it is introduced. An emergency ordinance shall become effective immediately, shall automatically stand repealed as of the 31st day following the date of its adoption, but may be reenacted as provided herein if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. An emergency ordinance shall be posted as soon as possible after the date at which it is enacted as shall any ordinance repealing an emergency ordinance.

ARTICLE III Township Manager (SECTION 301 — SECTION 304)

SECTION 301 Appointment: qualifications; compensation.

The Council shall by a majority of its membership appoint a Township Manager for an indefinite term and fix his compensation. The Manager shall be selected on the basis of his administrative training, professional qualifications, and experience. Council shall review the performance of the Manager annually.

SECTION 302 Removal.

The Council may remove the Manager from office in accordance with the following procedures:

A.

The Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Manager.

B.

Within five days after a copy of the resolution is delivered to the Manager, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than 15 days nor later than 30 days after the request is filed. The Manager may file with the Council a written reply not later than five days before the hearing.

C.

The council may adopt a final resolution of removal which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the Manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one. The Manager shall continue to receive his salary until the effective date of a final resolution of removal.

SECTION 303 Powers and duties of the Township Manager.

The Manager shall be the chief administrative officer of the Township. He shall be responsible to the Council for the administration of all Township affairs placed in his charge by or under this Charter. He shall have the following powers and duties:

A.

He shall appoint and for cause suspend or discharge all Township employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law or this Charter.

B.

He shall direct and supervise the administration of all departments and offices of the Township, except as otherwise provided by this Charter or by law.

C.

He shall attend all Council meetings and shall have the right to take part in discussion but may not vote.

D.

He shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

E.

He shall be responsible for the preparation of the annual budget and submit it to the Council.

F.

He shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the Township as of the end of each fiscal year.

G.

He shall make such other reports as the Council may require concerning the operations of the Township departments and offices subject to his direction and supervision.

H.

He shall keep the Council fully advised as to the financial condition and future needs of the Township and make recommendations to the Council concerning the affairs of the Township.

I.

He shall perform such other duties as are specified in this Charter or may be required by the Council.

SECTION 304 Acting manager.

The Manager shall designate in writing, subject to approval of the Council, an employee of the Township to exercise the powers and duties of the Manager during his absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another employee of the Township to serve until the Manager shall return or his disability shall cease. In the event of a vacancy, the Council shall appoint an employee of the Township to serve as Acting Manager until the vacancy is filled.

ARTICLE IV Financial Procedures (SECTION 401 — SECTION 414)

SECTION 401 Fiscal year.

The fiscal year of the Township shall begin on the first day of January and end on the last day of December unless otherwise provided by law.

SECTION 402 Fiscal organization.

The Manager shall be responsible for the administration of the Township finances including the collection of taxes and payment of obligations. The Council may provide for the appointment by the Manager, with the approval by the Council, of a Finance Director who shall be directly responsible to the Manager, who shall exercise the control functions in the management of the Township finances.

SECTION 403 Submission of budget and budget message.

On or before the 45th day before the end of each fiscal year, the Manager shall submit to the Council a budget for the ensuing year with an accompanying message.

SECTION 404 Budget message.

The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the Township for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the Township's debt position and include such other material as the Manager deems desirable.

SECTION 405 Budget.

The budget shall provide a complete financial plan of all Township funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Manager deems desirable or the Council may require. In organizing the budget, the Manager shall utilize the most feasible combination of expenditure classifications by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating any proposed tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

A.

Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies as outlined in the Administrative Code

Editor's Note: See Ch. 4, Administration of Government.
in terms of their respective work programs, and the method of financing such expenditures;

B.

Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure. The total of proposed expenditures shall not exceed the total estimated income and available surplus.

SECTION 406 Capital program.

The Manager shall prepare and submit to the Council Members a minimum of a three-year capital program at least two months prior to the final date for the submission of the budget. The capital program shall include at least the following:

A.

A clear summary of its contents.

B.

A list of all capital improvements which are proposed to be undertaken during the three fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

C.

Cost estimates, method of financing and recommended time schedules for each such improvement; and

D.

The estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired. The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

SECTION 407 Council members' action on budget.**A.**

Notice and hearing. The Council shall cause to be posted the budget and budget message in the Township Building in the place set aside for the posting of ordinances, at least two weeks prior to the scheduled public presentation of the budget. Notice of the availability of the proposed budget and time and location of its public presentation shall be placed in a newspaper of general Township circulation at the time of its posting. Copies of the budget and budget message shall be open for inspection and available at cost to the public during this time.

B.

Amendment before adoption. At a meeting no less than one week after the public presentation, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts except expenditures required by law or for debt service or for estimated cash deficit, provided no amendment to the budget shall increase the authorized expenditures to an amount greater than the total estimated income.

C.

Adoption. The Council shall adopt the budget on or before the last day of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operations for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the Council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the taxes therein proposed.

SECTION 408 Public records.

Copies of the budget and capital program as adopted shall be public records and shall be made available to the public at the Township Building during normal business hours.

SECTION 409 Amendments after adoption.**A.**

Supplemental appropriations. If during the fiscal year the Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

B.

Emergency appropriations. In the event of a genuine emergency, unanticipated at the time the operating budget was adopted, the Council may make supplemental appropriations to meet the emergency. To the extent that there are no available unappropriated revenues to meet the emergency, the Council may authorize the issuance of temporary notes which shall constitute unfunded debt to be funded and repaid in accordance with the Local Government Unit Debt Act (Act 185 of 1972)

Editor's Note: Said Act was repealed 12-19-1996 by P.L. 1158, No. 177. See now 53 Pa.C.S.A. § 8001 et seq. . It is the intent of this Charter that operating expenses shall neither be appropriated nor paid out of loan funds except to meet genuine emergencies.

C.

Reduction of appropriations. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may, by ordinance, reduce one or more appropriations.

D.

Transfer of appropriations. At any time during the fiscal year the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the Manager, the Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

E.

Limitations: effective date. No appropriation for existing debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

SECTION 410 Lapse of appropriations.

Every appropriation shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered.

SECTION 411 Administration of budget.

At such times as the Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The Manager shall review and authorize such allotments of its appropriations by periods with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to Section 409.

SECTION 412 Limitations of tax rates.

Rates of taxation may not be increased by the Council beyond the maximum rate that may be levied by Second Class Townships in the Commonwealth of Pennsylvania as that rate is from time to time established by the General Assembly, except by referendum.

SECTION 413 Debt limit.

The Township shall continue to be limited by the Local Unit Debt Act (Act 185).

Editor's Note: Said Act was repealed 12-19-1996 by P.L. 1158, No. 177. See now 53 Pa.C.S.A. § 8001 et seq.

SECTION 414 Contracts.

The Manager may make contracts for lawful purposes, subject to general law or this Charter. No contract shall be made or obligation incurred unless there is a sufficient unencumbered balance in an appropriation and that sufficient monies therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any officer authorizing or permitting any contract to be made in violation of this provision shall be subject to removal from office and liable to the Township for any loss incurred as a result of such action. The Council shall provide in the Administrative Code

Editor's Note: See Ch. 4, Administration of Government.

the procedures for letting contracts which shall not be inconsistent with general law or this Charter, and shall include as a minimum the following provisions:

A.

All contracts of the Township involving sums in excess of an amount specified by Council by ordinance shall be in writing. The Manager shall execute all contracts on behalf of the Township. Authorization for contracts for the purchase, sale, lease or use of real estate, or for the construction of public capital improvements shall be given by ordinance and such contracts shall be signed by the presiding officer of Council as well as the Manager. Any officer authorized to execute a written contract shall submit the form of contract to the Township Solicitor for approval before executing the contract.

B.

The Council shall, by ordinance, establish a procedure for competitive bidding to include definitions of amounts, publication and notice requirements, deposit and bond requirements, conditions, terms, rules, regulations, waiver and exceptions, as it shall from time to time deem advisable and in accordance with general law and this Charter. Competitive bidding shall not be required for:

(1)

Labor or services rendered by any Township officer or employee;

(2)

Contracts for labor, materials, supplies or services aggregating less than the amount specified by the Council;

(3)

Contracts relating to the acquisition or use of real property;

(4)

Contracts for professional or unique services or supplies;

(5)

Contracts for insurance and surety company bonds, except that the use of competitive bidding for such items shall be encouraged where practicable;

(6)

Contracts for emergency repairs; and

(7)

Contracts with other governmental entities, authorities, agencies or political subdivisions.

C.

Except as otherwise provided in this Charter, no contract for materials, supplies, labor, franchise or other valuable consideration, to be furnished to or by the Township, shall be authorized on behalf of the Township except with the lowest responsible bidder after competitive bidding.

D.

No person shall evade the provisions of this section of the Charter by purchasing or contracting for materials, supplies, or services piecemeal which transactions would, in the exercise of reasonable discretion and prudence, be considered as one transaction amounting to more than the amount as specified by the Council.

E.

The terms of contracts for the purchase of materials and supplies shall not exceed two years.

ARTICLE V Township Administration (SECTION 501 — SECTION 505)**SECTION 501 General provisions.**

The Council may by ordinance create Township departments, offices, boards, and commissions and prescribe their organization and function. The Council shall, by a majority vote of all Council Members, appoint members of such boards and commissions that it creates.

SECTION 502 Administrative Code.

The Council shall adopt by ordinance an Administrative Code which shall provide for administrative procedures not specifically enumerated in this Charter or general law. This Code shall include, but not be limited to, the following topics:

A.

Purchasing procedures.

B.

Borrowing procedures.

C.

Classification of accounts.

D.

Tax collection procedures.

E.

Personnel practices.

SECTION 503 Personnel practices.

The personnel practices section of the Administrative Code shall specify that all appointments and promotions of Township officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. The Township Manager shall be responsible for the administration of the personnel practices of the Township. The personnel practices section, as a minimum, shall provide for:

A.

The classification of all Township positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances.

B.

Methods for determining the merit and fitness of candidates for appointment or promotion.

C.

Policies regulating disciplinary action, grievance procedures, reduction in force, and removal of employees.

SECTION 504 Township Solicitor.A.

The Council shall appoint to serve at its pleasure a Township Solicitor on the first meeting in January or as soon thereafter as practicable and fix the compensation. He shall be a member of the Bar of the Supreme Court of Pennsylvania and experienced in municipal law.

B.

It shall be the duty of the Township Solicitor to:

(1)

Serve as the legal advisor to the Council, the Manager, and other Township officers, departments, and agencies. It is the intent of this Charter that only one person shall be the legal adviser of the Township, but the Council may authorize temporary assistants for special purposes from time to time.

(2)

Represent the Township in legal proceedings or hearings.

(3)

Perform any other duties prescribed by this Charter or by ordinance or general law, or as directed by the Council.

SECTION 505 Township Engineer.

A.

The Manager shall appoint a Pennsylvania registered professional engineer, or engineering firm, to carry out the duties of Township Engineer as needed. The compensation is to be fixed by the Council.

B.

The Township Engineer, under the direction and supervision of the Manager, shall supervise all engineering and other matters of the Township as specified in this Charter or by ordinance.

ARTICLE VI Auditors (SECTION 601 — SECTION 610)

SECTION 601 Elected auditors.

A.

Composition. There shall be a Township committee of elected Auditors consisting of three members who shall be nominated and elected by the qualified electors of the Township at large.

B.

Election and term. The terms of Auditors shall be four years beginning at 8:00 p.m. on the first Monday of January following the year in which they are elected, except for the first Auditors to serve under this Charter who will serve for terms as provided hereinafter.

C.

Eligibility. Only qualified voters of the Township of Middletown shall be eligible to be nominated and to hold the office of Auditor. No Auditor shall hold any other Township office or Township employment during the term for which he was elected or appointed as Auditor.

D.

Vacancies. Vacancies in the position of elected Auditor shall be filled by the remaining members of the Committee of Auditors who shall appoint an eligible person to serve for the balance of the unexpired term. If no appointment is made within 30 days after the vacancy occurs, the Council shall fill the vacancy.

SECTION 602 Powers and duties.

A.

The Auditors shall meet on the first Tuesday following the first Monday of January of each year and organize by the election of a Chairman and a secretary.

B.

The Auditors shall audit, adjust, and settle the accounts of all offices of the Township and may also audit, adjust, and settle the accounts of any person, corporation, association or other entity receiving or expending Township funds. They shall then prepare a report thereof, which shall contain an audit of the accounts of the last fiscal year, and shall show a complete statement of the financial condition of the Township showing in detail the actual

indebtedness of the Township, the evaluation of Taxable property therein, the assets of the Township with the character and value thereof, and the date of maturity of the respective forms of funded debt thereof. This report shall be prepared within 90 days after the close of the fiscal year and a copy filed with the Manager for presentation to the Council at its next regular meeting, and shall be made available to the public by request.

C.

Any auditor refusing or willfully neglecting to aid in preparing and filing the aforesaid report shall be subject to removal by the majority of the entire membership of the Council.

SECTION 603 Quorum.

A majority of the committee shall constitute a quorum necessary to carry out the duties required herein.

SECTION 604 Irregularities.

The amount of any balance or shortage or of any prohibited or otherwise unlawful expenditure which causes a financial loss to the Township shall constitute a surcharge against any officer against whom such balance or shortage shall appear, or who by vote, act, or neglect, has permitted or approved such expenditure, to the extent of the actual financial loss sustained by the Township. Any such surcharge shall, if no appeal is taken, or after an appeal is finally determined, be entered by the Prothonotary of Delaware County as a judgment against such officer and in favor of the Township.

SECTION 605 Appeals from audit.

It shall be lawful for the Township or any taxpayer thereof, on its behalf, or any officer whose account is settled or audited to appeal from the settlement or audit as shown in the Auditor's report, to the Court of Common Pleas of Delaware County, not later than 40 days from the date of the presentation of the Report to the Council.

SECTION 606 Compensation.

An elected Auditor shall be compensated for work actually performed at a rate of \$4 per hour subject to an annual maximum of \$800; provided that the Council may, after the effective date of this Charter, provide by ordinance for a different rate to apply to elected Auditors elected after the expiration of the term of office of those in office at the time the ordinance is enacted, and provided that the maximum annual amount may be exceeded if authorized by 2/3 of the Council in the event that the Council desires to have the Committee conduct any special detailed audits or investigations beyond the normal duties of the position enumerated in this Article.

SECTION 607 Attendance of witness.

The Auditors of the Township, or a majority of them, shall have power to issue subpoenas to obtain the attendance of the officers whose accounts they are required to adjust, their executors, and administrators, and of any person whom it may be necessary to examine as witnesses and to compel their attendance. If any person shall refuse or neglect to appear or testify, the Auditors shall petition the Court of Common Pleas of Delaware County to issue a subpoena to such a person and to require him to appear and to testify before the auditors.

SECTION 608 Auditors may administer oaths.

The Auditors, or a majority of them, shall have power to administer oaths and affirmations to all persons brought or appearing before them; and all persons guilty of swearing or affirming falsely shall be liable to indictment and punishment for perjury as provided by law.

SECTION 609 Attorney to auditors.

The Auditors may employ an attorney whenever the same is deemed advisable by a majority of the Auditors. The compensation of such attorney shall be fixed by the Auditors and shall not exceed the sum payable to one Auditor for the annual undertaking of his duties as set forth herein; unless a larger compensation shall be allowed by the

Council or shall be specially allowed by a Court in connection with any proceedings before such Court, and said compensation shall be payable by the Township out of its general funds.

SECTION 610 Independent audit.

The Council may, if it deems necessary, provide for an independent audit of all Township accounts by a certified public accountant who has no personal interest, direct or indirect, in the fiscal affairs of the Township or of its elected or appointed officers. The Council may provide for more frequent audits as it deems necessary. Copies of any such audits or financial report shall be available for inspection by the public.

ARTICLE VII Initiative and Referendum (SECTION 701 — SECTION 706)

SECTION 701 General authority.

A.

Initiative. The qualified voters of the Township shall have power to propose ordinances to the Council. If the Council fails to adopt without any change in substance an ordinance so proposed, the electorate shall have the opportunity to adopt or reject it at an election. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of Township officers or employees.

B.

Referendum. The qualified voters of the Township shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at an election, provided that such power shall not extend to the budget or capital program or ordinances relating to appropriation of money or levy of taxes.

SECTION 702 Commencement of proceedings, petitioners' committee: affidavit.

Any five qualified voters may commence initiative or referendum proceedings by filing with the Manager an affidavit stating they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the Committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the Petitioner's Committee is filed, the Manager shall have issued the appropriate petition blanks to the Petitioners' Committee.

SECTION 703 Petitions.

A.

Number of signatures. Initiative and referendum petitions must be signed by qualified voters of the Township in number to at least 10% of the total number of qualified voters registered to vote at the last regular Township election.

B.

Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the ordinance proposed or the title and a summary of the ordinance sought to be reconsidered.

C.

Affidavit of circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

D.

Time for filing referendum petitions. Referendum petitions must be filed within 30 days after adoption by Council of the ordinance sought to be reconsidered.

SECTION 704 Procedure after filing.

Within 25 days after the petition is filed, the Manager shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the Petitioners' Committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the Petitioners' Committee files a notice of intention to amend it with the Manager within two days after receiving the copy of his certificate and files a supplementary petition upon additional papers within 10 days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of Subsections B and C of Section 703, and within five days after it is filed, the Manager shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the Petitioners' Committee does not elect to amend it in the time required, the Manager shall promptly present his certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

SECTION 705 Referendum petitions: suspension of effect of ordinance.

When a referendum petition is received by the Manager, he shall so notify the Council and the ordinance specified in the petition shall not become effective until the sufficiency of the petition has been determined. If the petition is finally determined to be insufficient under Section 704, the ordinance shall become effective upon certification to the Council of this insufficiency or 31 days after enactment of the ordinance, whichever is later. If the petition is certified sufficient, the ordinance shall be placed in suspension and shall not become effective unless or until the suspension is removed. Such suspension shall terminate when the results of the election on the ordinance in question are certified, or the Council repeals the ordinance.

SECTION 706 Action on petitions.

When an initiative or referendum petition has been certified, the Council shall promptly consider the proposed initiative ordinance in the manner provided in this Charter or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within 30 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, the Manager shall file the ordinance with the County Election Board to be submitted to the voters of the Township at the next election, primary, municipal or general, occurring not less than 90 days after the petition is certified. If the Council adopts the initiative ordinance without change in substance further proceedings may, be halted by filing with the Manager a concurrence signed by at least four members of the Petitioners' Committee.

A.

Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greater number of affirmative votes shall prevail to the extent of such conflict.

B.

Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

ARTICLE VIII General Provisions (SECTION 801 — SECTION 806)

SECTION 801 Personal financial interest.

A.

Any Township officer or employee shall, within 30 days of taking office and by March First each year of service, file with the Manager, as a public record, a notarized full disclosure statement setting forth all real estate located

within the Township owned at the present time or within the past two years, by himself or by any member of his immediate family, or any ownership of, interest in, or employment by any business interest located within the Township by himself or any members of his immediate family at present or within the past two years; or ownership of, interest in or employment by any business interest or corporation which has done business to any appreciable degree with the Township within the past five years.

B.

In any case where a Township officer or official, elected or appointed, knows or by the exercise of reasonable diligence could know that he is interested to any appreciable degree, either directly or indirectly, in any contract for the sale or furnishing of any personal property for the use of the Township of more than \$300 in any year, he shall notify the Council thereof, and any such contract shall not be passed and approved by the Council except by an affirmative vote of at least 3/4 of the members thereof. The provisions of this section shall not apply to cases where such officer or official is an employee of the person, firm or corporation to which money is to be paid in a capacity with no possible influence on the transaction and in which he cannot possibly be benefited thereby, either financially or in any other material manner. Any officer or officials who shall knowingly violate the provisions of this section shall be liable to the Township upon his bond, if any, or personally, to the extent of the damage shown to be sustained thereby by the Township, to ouster from office, and shall be guilty of a misdemeanor; and upon conviction thereof, shall be sentenced to pay a fine not exceeding \$500, or imprisonment not exceeding one year, or both.

SECTION 802 Conduct of officers.

No candidate for office, appointment, or employment and no officer, appointee or employee of the Township shall, directly or indirectly, give or promise any person any office, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person, under the penalty of being disqualified to hold the office or employment to which he may be or may have been elected or appointed.

SECTION 803 Severability.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

SECTION 804 Gender.

At all places in this Charter words used in a masculine gender shall include the feminine.

SECTION 805 Bonding officers and employees.

The Council shall provide in the Administrative Code for the bonding of all officers and employees who are responsible for the handling and/or authorization of receipts, disbursements, goods and supplies. The premiums for such bonds shall be paid by the Township.

SECTION 806 Effective date.

This Charter shall become effective on the second day of January 1978, except as otherwise stated herein, and except for the transitional provisions of Article IX which shall become effective upon certification of the adoption of this Charter.

ARTICLE IX Transitional Provisions (SECTION 901 — SECTION 907)

SECTION 901 Council members.

A.

Those two present Supervisors whose terms extend past 1977, and those two Supervisors to be elected in 1975, whose terms will extend past 1977, will remain in office as Council Members at Large until the expiration of the

terms for which they were elected. The first vacancy to occur in the office of Council Member at Large after January 1, 1978, shall not be filled and shall result in that office being extinguished. Any vacancy occurring thereafter shall be filled as provided for by this Charter. If by January 1, 1981, a vacancy has not occurred in the office of Council Member at Large thereby causing that office to be extinguished as set forth herein, then only one Council Member at Large shall be elected in the municipal elections of 1981.

B.

At the municipal election in 1977, a Council Member shall be elected from each of the four districts established by this Charter. The Council Members from odd-numbered districts shall be elected for terms of two years. The Council Members from even-numbered districts shall be elected for terms of four years. At the expiration of the terms of office of the first Council Members from districts under this Charter, then their successors shall serve for four-year terms.

SECTION 902 Officers and employees.

A.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are Township officers or employees at the time of the adoption of this Charter. An employee holding Township position at the time this Charter takes full effect, who was serving in the same or comparable position at the time of adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to those personnel requirements in this Charter or as may be required by the Administrative Code.

Editor's Note: See Ch. 4, Administration of Government.

SECTION 903 Auditors.

The two Auditors in office whose terms extend past 1977 will continue in office until the expiration of the terms for which they were elected, in which case the remaining terms under this Charter shall be four years for one Auditor and two years for the other Auditor. At the municipal elections in 1977, one Auditor shall be elected for a four-year term. At the expiration of the terms of office of the Auditors under this Charter, their successors shall serve for four-year terms.

SECTION 904 Departments, offices, boards and commissions.

A.

At the effective date of this Charter, January 2, 1978, all appointive offices previously existing, except those listed in Subsection B hereof, shall be abolished and the terms of all appointed officers shall immediately cease and terminate. However, nothing in this section shall be construed to abolish the office or terminate the terms of office of any official or employee protected by a tenure of office law, and it is the intent of this Charter that qualified officers and employees be reappointed to the same or similar positions in the organization to be set forth in the Administrative Code.

B.

All appointed members of Boards, Commissions, Authorities and Committees shall continue in office with the same or similar bodies for the balance of the term of their original appointment. However, nothing in this section shall be construed to limit the right of the Council to create, modify, or abolish Boards, Commissions, Authorities, or other Agencies and special Committees as provided in this Charter.

SECTION 905 Continuance.

All actions and proceedings of a legislative, executive, or judicial character which are pending upon the effective date of this Charter shall be maintained, carried on, or dealt with by the Township department or office appropriate under this Charter.

SECTION 906 Transition committee.

A.

Within 40 days after certification of the adoption of this Charter, the Township Board of Supervisors shall appoint a Committee to draft the Administrative Code. The Administrative Code shall be adopted by ordinance within 12 months after the certification of the adoption of this Charter. It shall become effective upon the effective date of this Charter as set forth in Section 806. Thereafter, it may be amended by the normal procedures for the enactment of ordinance.

B.

The said Committee shall consist of no less than seven or more than 11 members; and shall include the Township Manager, at least two members of the Board of Supervisors, and at least three members of the Government Study Commission. The Committee may also include other electors of the Township.

SECTION 907 Budget for calendar year 1978.

The Committee as provided for in Section 906 may assist the 1977 Board of Supervisors in preparing the budget for the year 1978 in accordance with the organizational structure and the uniform classification of accounts and accounting codes to be provided in accordance with Section 502.